

Notice of Allowability

Application No.

09/489,265

Examiner

Cam Y T. Truong

Applicant(s)

BAER ET AL.

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/4/2006.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Cam Y Truong
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DETAILED ACTION

1. Applicant has amended claims 1-3 in the amendment filed on 1/4/2006. Claims 1-12 are pending in this Office Action.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Stuart B. Shapiro, Registration No. 40,169, on 1/31/2006.

In the claims:

Please replace claims 1-3, 7, 9 and 11 with amended claims 1-3, 7, 9 and 11.

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1(Currently amended). A computer-implemented method for preventing mutually exclusive content entities stored in a data repository from being included in a compilation of content entities, comprising the steps of:

storing reference information for each content entity identifying other content entities that are mutually exclusive with said each content entity, wherein said reference information indicates different content ineligible for placement within the same compilation of content entities;

when adding a new content entity selected by a user from the data repository to the compilation of content entities, referencing the reference information to determine from that reference information if the new content entity is mutually exclusive of other content entities, wherein said compilation of content entities comprises at least one of a book, a collection of images, an album, a video and a multimedia object, and

if so, determining if any content entity of the identified other content entities exists in the compilation of content entities, and

if not, adding the new content entity to the compilation of content entities to create an updated compilation of content entities, and

if so, not adding the new content entity to the compilation of content entities and indicating that the new content entity is not included in the compilation of content entities.

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2. (Currently amended) A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for preventing mutually exclusive content entities stored in a data repository from being included in a compilation of content entities, the method steps comprising:

storing reference information for each content entity identifying other content entities that are mutually exclusive with said each content entity, wherein said reference information indicates different content ineligible for placement within the same compilation of content entities;

when adding a new content entity selected by a user from the data repository to the compilation of content entities, referencing the reference information to determine from that reference information if the new content entity is mutually exclusive of other content entities, wherein said compilation of content entities comprises at least one of a book, a collection of images, an album, a video and a multimedia object, and

if so, determining if any content entity of the identified other content entities exists in the compilation of content entities, and

if not, adding the new content entity to the compilation of content entities to create an updated compilation of content entities, and

if so, not adding the new content entity to the compilation of content entities and indicating that the new content entity is not included in the compilation of content entities.

3. (Currently amended) A computer system for preventing mutually exclusive content entities stored in a data repository from being included in a compilation of content entities, comprising:

means for storing reference information for each content entity identifying other content entities that are mutually exclusive with said each content entity, wherein said reference information indicates different content ineligible for placement within the same compilation of content entities;

means for referencing the reference information when adding a new content entity selected by a user from the data repository to the compilation of content entities, to determine from that reference information if the new content entity is mutually exclusive of other content entities, wherein said compilation of content entities comprises at least one of a book, a collection of images, an album, a video and a multimedia object, and

means for determining if any content entity of the identified other content entities exists in the compilation of content entities, and

means for adding the new content entity to the compilation of content entities to create an updated compilation of content entities if none of the identified other content exists in the compilation of content entities, and

means for not adding the new content entity to the compilation of content entities and indicating that the new content entity is not included in the compilation of content

entities if any of the identified other content entities exists in the compilation of content entities.

7. (Currently amended) The method of claim 1, wherein said reference information defines relationships between the content entities stored in the data repository to identify said content ineligible for placement with the same compilation of content entities.

9. (Currently amended) The device of claim 2, wherein said reference information defines relationships between the content entities stored in the data repository to identify said content ineligible for placement with the same compilation of content entities.

11. (Currently amended) The system of claim 3, wherein said reference information defines relationships between the content entities stored in the data repository to identify said content ineligible for placement with the same compilation of content entities.

Allowable Subject Matter

3. Claims 1-12 are allowed.

The prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in independent claim 1 and 2, “referencing the reference information to determine from that reference information if the new content entity is mutually exclusive of other content entities, if so, determining if any content entity of the identified other content entities exists in the compilation of content entities, and if not, adding the new content entity to the compilation of content entities to create an updated compilation of content entities, and if so, not adding the new content entity to the compilation of content entities and indicating that the new content entity is not included in the compilation of content entities, wherein said compilation of content entities comprises at least one of a book, a collection of images, an album, a video and a multimedia object”;

The prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in independent claim 3, wherein “to determine from that reference information if the new content entity is mutually exclusive of other content entities, means for determining if any content entity of the identified other content entities exists in the compilation of content entities, and means for adding the new content entity to the compilation of content entities to create an updated compilation of content entities if none of the identified other content exists in the compilation of content entities, and means for not adding the new content entity to the compilation of content entities and indicating that the new content entity is not included in the compilation of

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content entities if any of the identified other content entities exists in the compilation of content entities, wherein said compilation of content entities comprises at least one of a book, a collection of images, an album, a video and a multimedia object”.

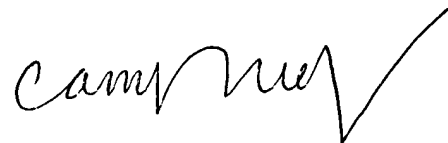
The dependent claims, bring definite, further limiting, and fully enabled by the specification are also allowed.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cam Y T Truong
Examiner
Art Unit 2162
1/31/2006